



Solid Waste Incinerator and Energy Recovery Facility Rules, OAC Chapter 3745-27

What do these rules cover?

The solid waste incinerator and energy recovery facility rules were first promulgated in 1991 and govern solid waste incinerators and solid waste energy recovery facilities that burn mixed solid waste or select solid waste streams such as scrap tires as fuel to produce energy, heat, or steam.

Why are these rules being amended and what changes are being considered?

Ohio EPA is required by section 106.03 of the Ohio Revised Code to review the Agency's rules every 5 years to determine whether to continue the rules without change, amend the rules, or rescind the rules. The Agency has reviewed the current rules and has made the preliminary determination to rescind the existing rules and promulgate new solid waste incinerator and energy recovery facility rules into a separate program chapter, Ohio Administrative Code Chapter 3745-550. This reorganization would allow the rules to utilize the multi-program rules and create a more user-friendly and intuitive structure.

DMWM is including the following rules in this review package:

Rule Number	Title
3745-27-50	Solid waste incinerator or solid waste energy recovery facility permit to install application.
3745-27-51	Additional criteria for approval of solid waste incinerator or solid waste energy recovery facility permit to install applications.
3745-27-52	Operation of solid waste incinerator and solid waste energy recovery facilities.
3745-27-53	Final closure of solid waste incinerator or solid waste energy recovery facilities.
3745-500-02	General administration – definitions.
3745-550-01	Solid waste incinerator or energy recovery facility – applicability.
3745-550-02	Definitions.
3745-550-300	Permit to install.
3745-550-350	Permit to install issuance.
3745-550-600	Operations.
3745-550-615	Log of operations.
3745-550-670	Annual report.
3745-550-700	Closure.

DMWM plans to move the solid waste incinerator and energy recovery facility program to its own chapter, update the rules to reflect statutory changes, and amend the rules to be compliant with Legislative Service Commission and Ohio EPA rule writing standards. DMWM also removed the requirement to double-case leachate lines to be consistent with how the Division of Surface Water regulates wastewater lines and amended the financial assurance requirements so facilities with a closure cost estimate under \$5,500 no longer need to obtain financial assurance.

What additional information is the Agency seeking?

The Agency is seeking comments from interested stakeholders (public, local officials, industry sectors, other state agencies, consultants and environmental organizations) who may be impacted by these rule revisions. General comments and specific factual information are welcome.

In addition to the draft rule amendments, Ohio EPA is also seeking comments and feedback on the draft Common Sense Initiative (CSI) Business Impact Analysis (BIA) form, which is being released with these draft rules during interested party review.

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How are the amendments formatted in the draft rules?

The rules have been drafted as new replacement rules and all text is underlined. The existing rules are being rescinded.

What is the rulemaking schedule?

At this time, the Agency is soliciting input on these draft rule revisions. Ohio EPA is required by section 121.39(D) of the Revised Code to contact potentially affected parties prior to adopting rule changes. At the close of the interested party comment period, the Agency will review the comments and make necessary changes to the rules. The Agency will then file proposed rules with the Joint Committee on Agency Rule Review, the Legislative Service Commission and the Secretary of State.

How can I comment on the draft rules?

Please submit your comments in one of the following ways:

- By email: michelle.mountjoy@epa.ohio.gov
- By postal mail:

Michelle Mountjoy - Rules Coordinator

Ohio EPA, Division of Materials and Waste Management

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Columbus, OH 43216-1049

Comments on the draft rules must be received no later than 5:00 p.m. on June 6, 2022.

How can I get more information?

Copies of this fact sheet, BIA form and the draft rules are on the Division of Materials and Waste Management website at: <https://epa.ohio.gov/divisions-and-offices/materials-and-waste-management/regulations/interested-party-review>

For more information about these draft rules, please contact:

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